

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
Northern Division**

GREAT LAKES EXPLORATION)	
GROUP LLC,)	
)	
Plaintiff,)	
v.)	Civil Action No. 1:04-CV-375
)	
The Unidentified, Wrecked and (For)	HON. ROBERT HOLMES BELL
Salvage-Right Purposes), Abandoned)	
Sailing Vessel, her tackle,)	
apparel, appurtenances, cargo, etc.)	
located within a circle having)	
a radius of 3.5 statute miles, whose)	
center point is at coordinates)	
45° 32.8' North latitude and 86° 41.5')	
West longitude,)	
)	
<i>In Rem</i>)	<u>INTERVENORS' REQUEST TO</u>
Defendant,)	<u>WITHDRAW THEIR MOTION FOR</u>
v.)	<u>SUMMARY JUDGMENT</u>
)	
STATE OF MICHIGAN DEPARTMENT)	
OF HISTORY, ARTS, AND LIBRARIES)	
AND MICHIGAN DEPARTMENT OF)	
ENVIRONMENTAL QUALITY,)	
)	
Intervenors.)	

**INTERVENORS' REQUEST TO WITHDRAW THEIR MOTION FOR SUMMARY
JUDGMENT**

In December, 2008, Intervenors filed their motion seeking dismissal of this action pursuant to Fed. R. Civ. P. Rule 56. This motion is currently set for hearing by this Court on October 15, 2009.

In January, 2009, the Republic of France filed a claim of ownership of the Defendant shipwreck if it turned out to be the historical vessel, the Griffin. Intervenors objected to that

claim of ownership, and in their Reply brief submitted in support of their Motion for Summary Judgment, argued that the claim submitted by France was untimely and should not be considered by this Court, and should not be a basis for denying the Motion for Summary Judgment.

Very recently, Intervenors learned that France had retained new counsel, James Goold, of the law firm Covington & Burling. See attached letter from the French Embassy.¹ As a result of conversations with Mr. Goold, Intervenors determined that they no longer wished to object to the claim of ownership asserted by France against the Griffin, and further determined that it would be appropriate to withdraw their Motion for Summary Judgment that was based on the argument that the Defendant, if it were the Griffin, had been abandoned and therefore under federal law was the property of the State of Michigan. Intervenors may bring a separate motion for Summary Judgment at a future date with regard to the claims of Great Lakes Exploration Group, LLC, based on different legal arguments, but that has not yet been finally determined.

For these reasons and based on Intervenors' request to withdraw their motion, Intervenors respectfully request that the Court remove their Motion for Summary Judgment from the Court's docket.

STATUS CONFERENCE

Since the Court has already set the time and date for the hearing on the Motion for Summary Judgment, Intervenors respectfully suggest that it might make sense for the Court to hold a status conference on that date and time so that the parties could update the Court on the progress of the case, and answer any questions that the Court might have. Intervenors have conveyed this idea to Mr. Robol, counsel for Great Lakes Exploration Group, LLC and James

¹ The letter was apparently inadvertently dated October 10, 2009 instead of October 1, 2009. It was received by Intervenors' counsel on October 2, 2009.

Goold, counsel for France, and they have no objection to such a conference. Mr. Robol indicated that he would prefer that such conference be conducted by telephone if the Court would permit, and because he is experiencing a health issue involving a condition of his eye, he also asked if there was any objection to having his colleague, Rachel Chodera, handle the conference if he was unavailable. Mr. Goold also indicated that he would like to participate in any status conference, by telephone if the Court permits since he is located in Washington, D.C.. Mr. Goold indicated that he may be filing an appearance in this litigation, but that it was also possible that arrangements for other counsel to formally appear might be forthcoming. Intervenors have no objections to any of these arrangements.

Respectfully submitted,

Michael A. Cox
Attorney General

/s/ Louis B. Reinwasser (P37757)
Assistant Attorney General
Environment, Natural Resources
and Agriculture Division
P.O. Box 30755
Lansing, MI 48909
517/373-7540
Email: reinwasserl@michigan.gov
Attorney for Intervenors

Dated: October 7, 2009

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the counsel. I have also provided an electronic version of this document to Mr. James Goold at his email address.

/s/ Louis B. Reinwasser

Louis B. Reinwasser (P37757)
Assistant Attorney General
Environment, Natural Resources
and Agriculture Division
P.O. Box 30755
Lansing, MI 48909
517/373-7540
Email: reinwasserl@michigan.gov